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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,202	03/25/2005	Hiroshi Kage	266814US2PCT	8938
22850	7590	11/14/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
TORRES, JOSE				
ART UNIT		PAPER NUMBER		
2624				
NOTIFICATION DATE		DELIVERY MODE		
11/14/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/529,202

Applicant(s)

KAGE ET AL.

Examiner

JOSE M. TORRES

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 17, 2011 has been entered and made of record.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitations "the image input unit" in line 4, and "the motion calculator" in line 9. There is insufficient antecedent basis for these limitations in the claim. However, it appears to be "the image inputting step", and "the motion calculating step", respectively, and have been treated as such. Affirmation of this is required by the appropriate amendment.

Claim 6 recites the limitations “the image input unit” in line 6, “the motion calculator” in line 11, and “the displacement calculator” in line 23. There is insufficient antecedent basis for these limitations in the claim. However, it appears to be “the image inputting step”, “the motion calculating step”, and “the displacement calculating step”, respectively, and have been treated as such. Affirmation of this is required by the appropriate amendment.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 3 and 4 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory “process” under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing (Reference the May 15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled “Clarification of ‘Processes’ under 35 U.S.C. 101”). The instant claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 3 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Sekine et al. (U.S. Pat. No. 6,370,330).

Re claims 1, 3 and 5: Sekine et al. disclose an image processor/method/recording media encoded with an image compensation program (FIG. 1, "Operation Part **10**", Col. 11 line 65 through Col. 12 line 8) comprising: an image input unit/step (FIG. 20, "Image Sensor **316**") configured to receive a plurality of two-dimensional images, including a first image and a second image (Col. 31 line 63 through Col 32 line 26); a motion calculator/step (FIG. 20, "Area Determining Circuit **338**") configured to select a predetermined motion detecting area ("the blocks which are within the threshold") for each of the first image ("previous image plane") and the second image ("currently obtained image plane") received by the image input unit/step, and configured to calculate a motion vector ("movement vector") between the first image and the second

image based on projective data ("histogram") that is acquired by computing in a predetermined direction pixel values in each of the predetermined motion detecting areas (Col. 32 lines 27-43); a displacement calculator/step (FIG. 20, "Image Shake Quantity Detecting Circuit **340**") configured to calculate and image correlativity ("correlation computing") between a basic image area of the first image and each of a plurality of areas of the second image ("on" area"), the areas of the second image being along the direction of the motion vector, and configured to calculate and amount of pixel displacement ("moving quantity"), based on the image correlativity (Col. 32 lines 44-56 and Col. 34 lines 4-18); and an image output unit/step configured (FIG. 20, "Actuator **342**") to cut away an area from a camera-shake compensation area designated in the second image ("lessen the movement of the image plane sue to shake of a camera."), based on the amount of pixel displacement, and configured to output the cut away area as an image output area of the second image (Col. 34 lines 4-18).

Allowable Subject Matter

8. Claim 2 is allowed.

Claims 4 and 6 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. §112, 2nd paragraph, and under 35 U.S.C. §101 (Claim 4), set forth in this Office action.

Response to Arguments

Claim Rejections under 35 U.S.C. §112

9. Claims 5 and 6 have been amended to recite, "a recording media encoded with an image compensation program configured to cause an information processing apparatus to execute a method. Therefore, the rejections have been withdrawn.

Claim Rejections under 35 U.S.C. §102 and 103

10. Applicant's arguments with respect to claims 1, 3 and 5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sekine et al. '481 disclose an Image Sensing and Processing Device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSE M. TORRES whose telephone number is (571)270-1356. The examiner can normally be reached on M-F: 8:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on 571-272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jingge Wu/
Supervisory Patent Examiner, Art Unit 2624

/JOSE M. TORRES/
11/10/2008
Examiner, Art Unit 2624